

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

INCREASING EFFICIENCY:
DOING MORE WITH LESS

**2003 ANNUAL REPORT OF THE
COURT ADMINISTRATOR • CLERK OF THE COURT**

This Report was prepared by the
Executive Offices of the Court Administrator • Clerk of Court
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MESSAGE FROM CHIEF JUDGE ZLOCH

I owe gratitude to my colleagues for their support and commitment to the administration of justice. The Southern District of Florida continues to be among the most productive trial courts in the land because of our tireless efforts. Total filings decreased by a substantial amount during the last fiscal year; weighted filings, however, remained over 660 per authorized judgeship and in the top tier among federal jurisdictions, declining only slightly from 2002. As with years past, the District's Judges continued to lead the Nation in total jury trials and total criminal jury trials, while averaging 562 case dispositions per authorized judgeship. This is also among the federal judiciary's highest echelon. These results were achieved notwithstanding two vacancies that remained unfilled for all but the last two months of the fiscal year.

Anyone who has been a chief judge in the federal judiciary knows the incredible volume of paper that flows through chambers daily — for those who have not been chief judge, I can assure you the volume is onerous.

The additional administrative duties and stewardship responsibilities associated with the office of chief judge, coupled with judicial workload, can be daunting.

I am, therefore, pleased about the success of our governance process which allows me to receive advice concerning administrative, fiscal, technical, security, and policy matters from several standing committees comprised of members of the Court. The process allows each District Judge and most of our Magistrate Judges to participate on a standing committee and be involved in setting direction for the Court, thereby sharing with me in the District's leadership. I have found the work of our committees to be of invaluable benefit in administering to the needs of our busy Court.

As you read this Report, you will see that most tangible indicators reflect the Court's efficiency. I am proud to be a part of a Bench so long dedicated to the administration of justice in this community and grateful to all the Court's staff, who labor in our support.

*Chief United States District Judge
William J. Zloch*

THE SOUTHERN DISTRICT OF FLORIDA

MAINTAINING HIGH LEVELS OF SERVICE WITH DIMINISHING RESOURCES

This past year proved to be an unusual year for the Southern District of Florida. In some respects, past trends continued, as the Court was once again one of the busiest District Courts in the country. In other respects, the Court was faced with new challenges due to the diminishing availability of resources with which to provide service to the Court and the public.

The Court experienced unprecedented transitions on the bench during 2003, losing two of its most respected and beloved judges with the unexpected passing of District Judge Wilkie D. Ferguson, Jr. , and Senior District Judge Norman C. Roettger, Jr. The bench saw the addition of two new District Judges, District Judge Cecilia M. Altonaga and District Judge



John Briggs, Turtle Cay (Located in Jury Assembly room of James Lawrence King Federal Justice Building in Miami)

Although total filings were slightly down in 2003, the workload of the Southern District once again exceeded that of the “average” District Court in 2003 by large margins. As in years past, despite a slight decline in the overall number of jury trials, the Southern District still ranked at the top, nationally, in trial activity.

James I. Cohn. Judge Altonaga was appointed to the position created when Judge Shelby Highsmith took senior status while Judge Cohn became the District’s 18th authorized Judge when he was appointed to a new position authorized by Act of Congress in 2002. The cadre of Magistrate Judges was expanded by

MISSION OF THE CLERK’S OFFICE

It is our honor and duty to provide the support necessary to enable the Court as an institution to fulfill its constitutional, statutory, and societal responsibilities for all who seek justice.

three, bringing the total number of authorized Magistrate Judge positions to 17, with the addition of Magistrate Judges James Hopkins, Theodore Klein, and Edwin Torres. The increase in the number of authorized positions for both District and Magistrate Judge positions reflects historical recognition by both Congress and the Judicial Conference that the size of the Southern District's bench has not kept pace with the workload within this District.

The Court's overall funding prospects for supporting that expanded bench continued to dim as the year closed. Ironically, while the year ushered in a significant increase in the overall number of bench officers in the District, the funding available to support those positions did not keep pace. As early as summer, concerns regarding the fiscal year 2004 appropriation bill began to surface. The Judiciary had advised Congress in March that a 10.8 percent increase was needed in fiscal year 2004 to fully fund the Courts' operational needs; it soon became apparent, however, that any budget that was ultimately passed would fall perilously short of the projected need. No budget was passed in 2003, and the Federal Courts operated under a Continuing Resolution, receiving portions of a reduced allocation, for the remainder of the calendar year. Budget news as the year closed indicated that the 2004 budget would

see the Clerk's Office receiving approximately a 11% decrease. Translated into real numbers and impact, the Court was forced to significantly reduce necessary expenditures, leave open positions unfilled, eliminate existing positions, and reorganize the workforce, while attempting to maintain the same high level of service.

These austere funding prospects are anticipated to extend well into the coming years. Recognizing that compromising the quality of the services and support that it provides the Court is not an option, the Clerk's Office spent 2003 perfecting a long-range strategic plan. The overarching goal of this ongoing effort was to prepare the Clerk's Office as an institution to continue to provide the same level of quality services and support into the future while maintaining an even closer stewardship over continually diminishing resources. In

drafting a five year plan, the Clerks' Office reexamined and restated its mission, reevaluated and reestablished its core values, and redefined those areas in which the institution cannot afford to fail. The plan also set out some very clear goals, most of which focus on increasing the quality and timeliness of services while conserving resources. Excerpts of the Clerk's Office's strategic plan, including its mission statement and its core values are inset throughout this report.



THE JUDGES OF THIS DISTRICT

DISTRICT JUDGES



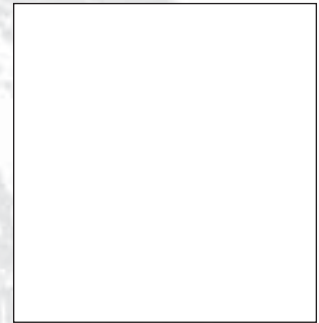
Chief Judge William J. Zloch

Nominated by: President Ronald W. Reagan
Commission Date: November 4, 1985
J.D. University of Notre Dame
School of Law 1974
A.B. University of Notre Dame 1966



Judge Federico A. Moreno

Nominated by: President George H. W. Bush
Commission Date: July 16, 1990
J.D. University of Miami School of Law 1978
B.A. University of Notre Dame 1974



Judge Donald L. Graham

Nominated by: President George H. W. Bush
Commission Date: September 16, 1991
J.D. The Ohio State University
College of Law 1974
B.A. West Virginia State College 1971



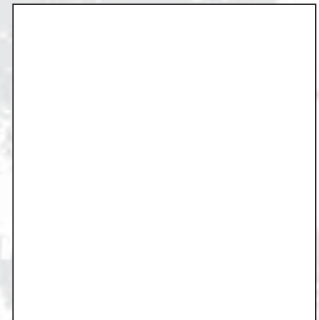
Judge K. Michael Moore

Nominated by: President George H. W. Bush
Commission Date: February 10, 1992
J.D. Fordham University School of Law 1976
B.A. Florida State University 1972



Judge Ursula Ungaro-Benages

Nominated by: President George H. W. Bush
Commission Date: October 9, 1992
J.D. University of Florida College of Law 1975
B.A. University of Miami 1973



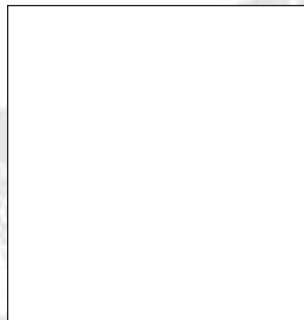
Judge Daniel T.K. Hurley

Nominated by: President William J. Clinton
Commission Date: March 11, 1994
J.D. George Washington University
National Law Center 1968
A.B. Saint Anselm's College 1964



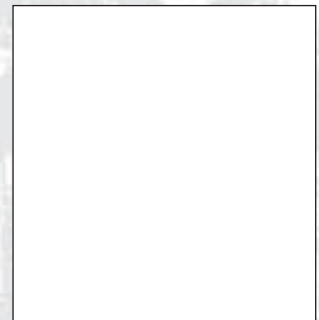
Judge Joan A. Lenard

Nominated by: President William J. Clinton
Commission Date: December 26, 1995
J.D. Antioch School of Law 1976
B.A. Roger Williams College 1973



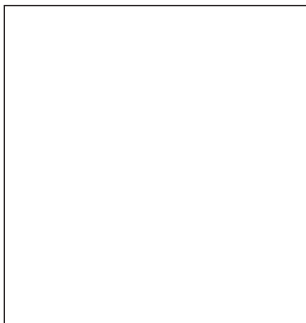
Judge Donald M. Middlebrooks

Nominated by: President William J. Clinton
Commission Date: May 27, 1997
J.D. University of Florida College of Law 1972
B.S., B.A. University of Florida 1968



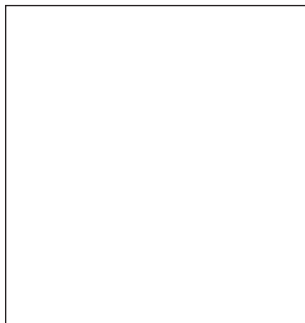
Judge Alan S. Gold

Nominated by: President William J. Clinton
Commission Date: July 1, 1997
LL.M. University of Miami School of Law 1974
J.D. Duke University School of Law 1969
B.A. University of Florida 1966
A.A. University of Florida 1964



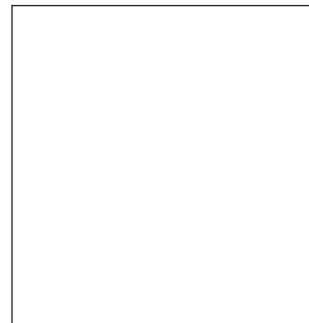
Judge William P. Dimitrouleas

Nominated by: President William J. Clinton
Commission Date: May 22, 1998
J.D. University of Florida College of Law 1975
B.A. Furman University 1973



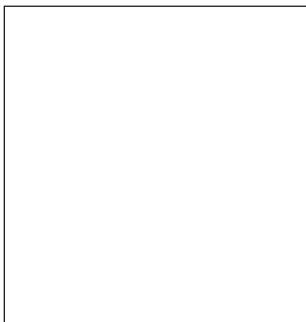
Judge Patricia A. Seitz

Nominated by: President William J. Clinton
Commission Date: October 1, 1998
J.D. Georgetown University Law Center 1973
B.A. Kansas State University, Manhattan 1968



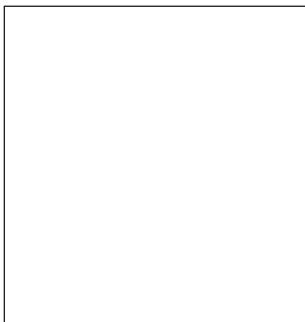
Judge Adalberto Jordan

Nominated by: President William J. Clinton
Commission Date: September 9, 1999
J.D. University of Miami School of Law 1987
B.A. University of Miami 1984



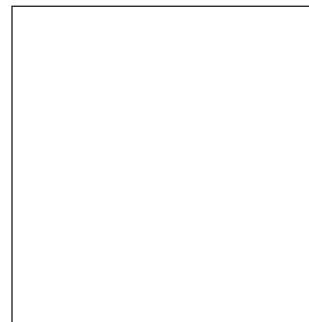
Judge Paul C. Huck

Nominated by: President William J. Clinton
Commission Date: July 11, 2000
J.D. University of Florida College of Law 1965
B.A. University of Florida 1962



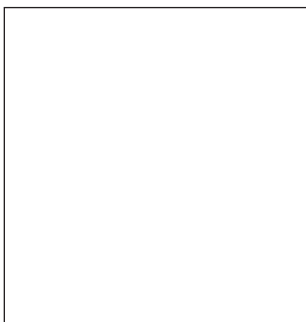
Judge Kenneth A. Marra

Nominated by: President George W. Bush
Commission Date: September 13, 2002
J.D. Stetson University College of Law 1977
B.A. State University of New York
at Stony Brook 1973



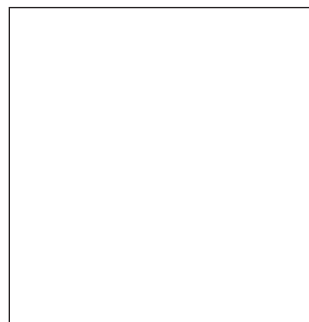
Judge Jose E. Martinez

Nominated by: President George W. Bush
Commission Date: September 17, 2002
J.D. University of Miami School of Law 1965
B.B.A. University of Miami 1962



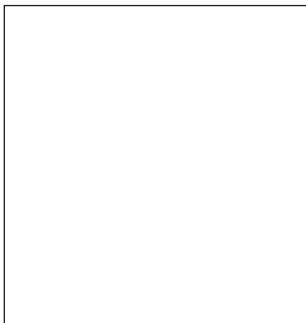
Judge Cecilia M. Altonaga

Nominated by: President George W. Bush
Commission Date: May, 7, 2003
J.D. Yale University Law School 1986
B.A. Florida International University 1983



Judge James I. Cohn

Nominated by: President George W. Bush
Commission Date: August 1, 2003
J.D. Cumberland Law School 1974
B.A. University of Alabama 1972



Senior Judge James Lawrence King

Nominated by: President Richard M. Nixon

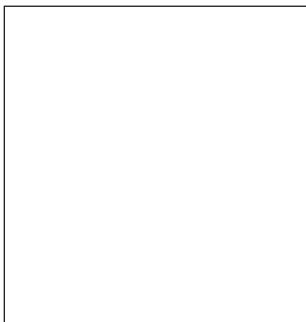
Commission Date: October 19, 1970

Honorary Doctor of Humane Letters, St. Thomas University 1992

LL.B. University of Florida College of Law 1953

B.A.E. University of Florida 1949

A.A. University of Florida 1947



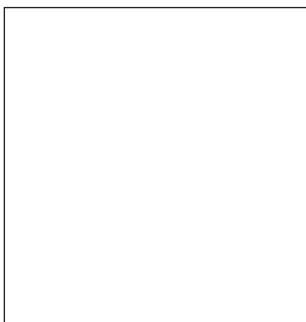
Senior Judge Jose A. Gonzalez, Jr.

Nominated by: President Jimmy Carter

Commission Date: July 28, 1978

J.D. University of Florida College of Law 1957

B.A. University of Florida 1952



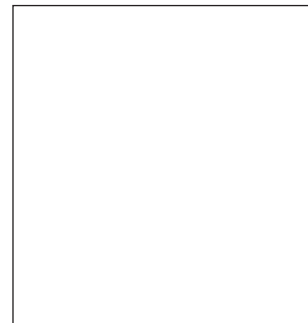
Senior Judge Kenneth L. Ryskamp

Nominated by: President Ronald W. Reagan

Commission Date: April 24, 1986

LL.B. University of Miami School of Law 1956

A.B. Calvin College 1955



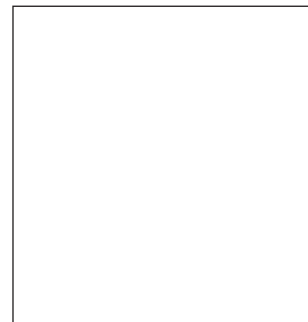
Senior Judge William M. Hoevler

Nominated by: President Jimmy Carter

Commission Date: April 26, 1977

LL.B. Harvard University School of Law 1950

B.A. Bucknell University 1947



Senior Judge James C. Paine

Nominated by: President Jimmy Carter

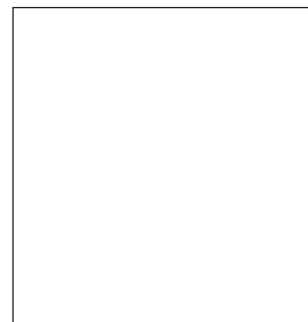
Commission Date: October 5, 1979

LL.B. University of Virginia School of Law 1950

B.S. Columbia University

School of Business 1947

A.A. University of Florida 1943



Senior Judge Shelby Highsmith

Nominated by: President George H. W. Bush

Commission Date: September 16, 1991

LL.B. University of Kansas City

School of Law 1958

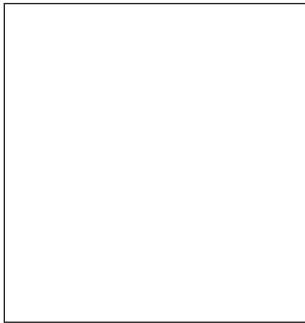
J.D. University of Missouri at Kansas City 1958

B.A. University of Missouri at Kansas City 1955

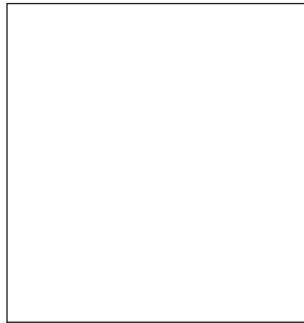
A.A. Georgia Military College 1949

THE JUDGES OF THIS DISTRICT

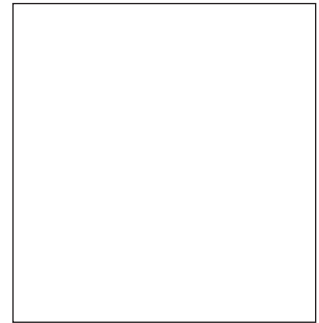
MAGISTRATE JUDGES



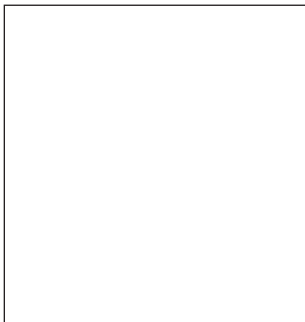
**Chief Magistrate Judge
Ann E. Vitunac**



**Magistrate Judge
William C. Turnoff**



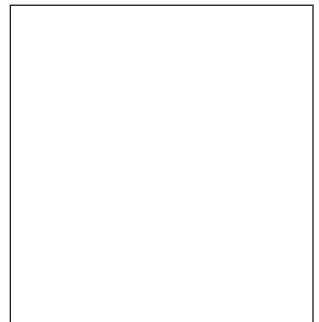
**Magistrate Judge
Lurana S. Snow**



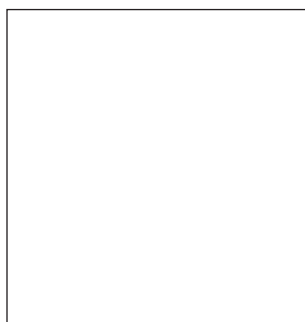
**Magistrate Judge
Linnea R. Johnson**



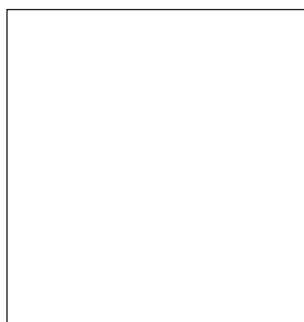
**Magistrate Judge
Ted E. Bandstra**



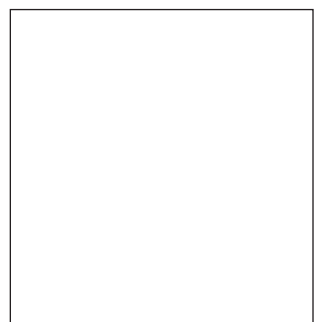
**Magistrate Judge
Stephen T. Brown**



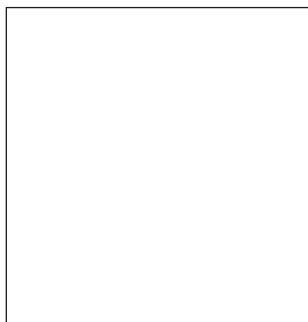
**Magistrate Judge
Barry S. Seltzer**



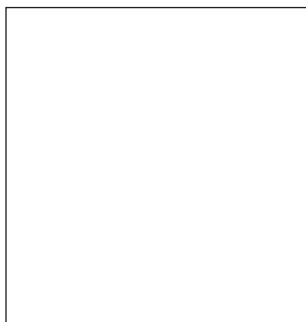
**Magistrate Judge
Barry L. Garber**



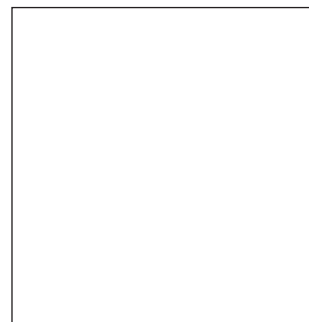
**Magistrate Judge
Frank J. Lynch, Jr.**



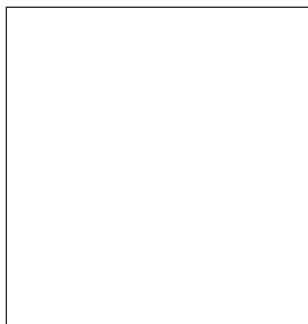
**Magistrate Judge
Andrea M. Simonton**



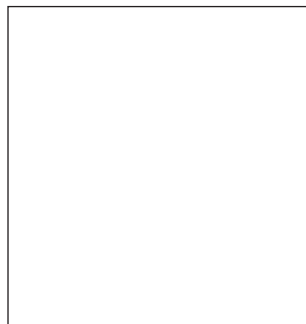
**Magistrate Judge
John J. O'Sullivan**



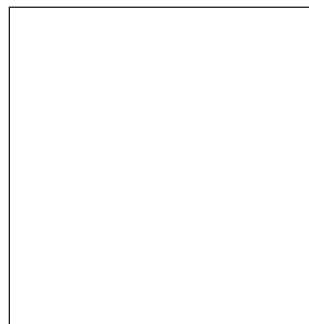
**Magistrate Judge
Patrick A. White**



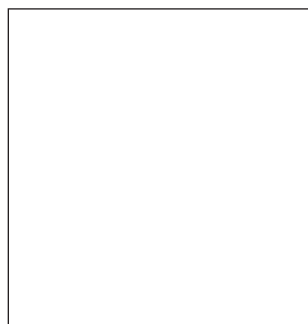
**Magistrate Judge
James L. Hopkins**



**Magistrate Judge
Theodore Klein**



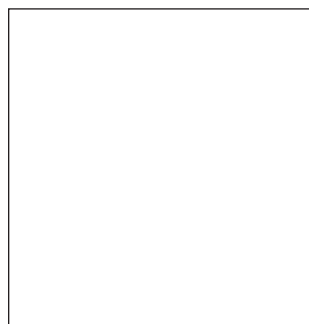
**Magistrate Judge
Edwin G. Torres**



**Magistrate Judge
Hugh J. Morgan**



**Magistrate Judge
Robert L. Dubé
(Recalled)**



**Magistrate Judge
Peter R. Palermo
(Recalled)**

TRANSITIONS

The past year was marked, like no other in recent memory, by a unprecedented number of losses and additions to the bench of the Southern District. The court family was devastated by the deaths of two of the Court's most beloved Judges, District Judge Wilkie Ferguson and Senior District Judge Norman Roettger. Both were fixtures in the South Florida legal community, having had between them over sixty years of state and federal judicial experience. Both are sorely missed by their colleagues, the Bar, and the community.

This year also marked the retirement of Magistrate Judge Charlene Sorrentino, who had been the first female Magistrate Judge appointed in the Southern District of Florida. Between her service as law clerk, her tenure as a Federal Public Defender, and her long career as a Magistrate, Judge Sorrentino had been associated with this Court for almost 35 years. Her role in forming and heading the unit of the Court responsible for processing pro se prisoner complaints, a unit which grew exponentially under her stewardship, will long be her legacy.

For the second year in a row, this Court, during 2003, welcomed two new District Judges to its ranks. Cecilia M. Altonaga,

who was appointed as the replacement for Senior Judge Shelby Highsmith, took the bench in September, and presides in the Miami division. Judge James I. Cohn, the district's 18th authorized District Judge, took the bench in August. Although Judge Cohn was originally slated to be the first Southern District Judge to sit permanently in the Fort Pierce Division, the untimely deaths of Judge Ferguson and Senior Judge Roettger, both of whom presided in the Fort Lauderdale Division, created a vacuum that was filled by the reassignment of Judge Cohn to Fort Lauderdale.

The year was also marked by an unprecedented increase in the number of authorized Magistrate Judges. All told, the District welcomed four new Magistrate Judges to its ranks. Judge Patrick A. White was appointed to replace retiring Magistrate Judge Sorrentino, and three additional Magistrate Judge positions were authorized by the Administrative Office, one in each of the three major divisions. Judge James Hopkins to the new position in West Palm Beach, Judge Theodore Klein to the new Miami position, and Judge Edwin Torres was appointed to the new Fort Lauderdale position.

IN MEMORIAM

DISTRICT JUDGE WILKIE D. FERGUSON, JR.

During the past year, the Southern District of Florida lost one of its most distinguished jurists, when District Court Judge Wilkie D. Ferguson, Jr., succumbed to an illness that he had valiantly fought for some years. This Court's sorrow at the loss of its cherished friend and colleague was matched by that of the local Bar and community, as Judge Ferguson had served both for many years before he ascended to the Federal bench.

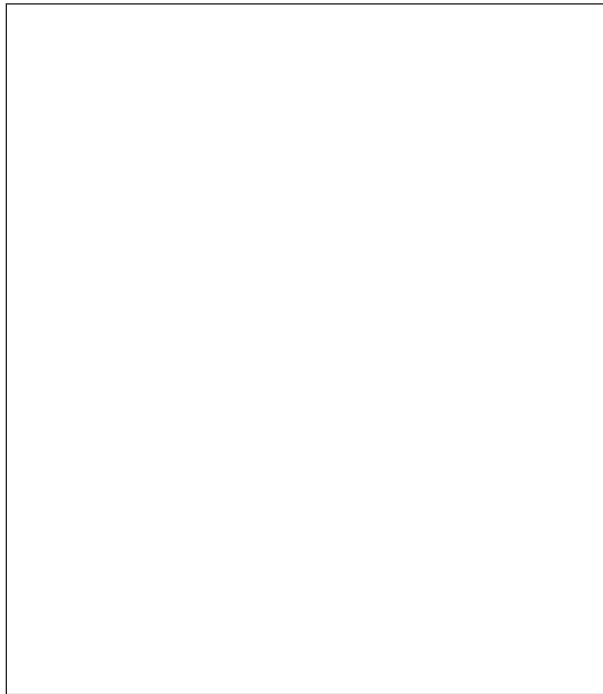
Born in Liberty City in 1938 to Bahamian immigrant parents, Judge Ferguson was a life-long Floridian. After earning his undergraduate degree from Florida A & M University, where he met his future wife, Miami-Dade Commissioner Betty Ferguson, the Judge served his country in the United States Army, in active service as a First Lieutenant from 1960 to 1963, and as a Captain in the Army Reserve from 1963 to 1965.

After his active Army service, Judge Ferguson earned a law degree from Howard University School of Law, graduating in 1968 and immediately returning to Miami to embark on his long career of public service. He began his career as a lawyer as a

Staff Attorney for Legal Services of Greater Miami, Inc. In 1968, while so employed, he was appointed to and served on a presidential panel that investigated the 1968 Liberty City riots. He later represented the Dade County School Board, after which he went into private practice, becoming a founding partner of what was then the largest African American-owned law firm in Florida: McCrary, Ferguson, Lee, Adderly, Culmer & Long. Judge Ferguson was also one of the founders of the Black Lawyers Association in Miami, which has been recently renamed the Wilkie D. Ferguson, Jr. Bar Association in his honor.

In 1973, Judge Ferguson began his long and distinguished career on the bench.

As only one of a series of "firsts" for Judge Ferguson, he became the first African American Judge of Industrial Claims for the State of Florida. In 1976, he was appointed to a state circuit judgeship, becoming the first African American to sit on the bench of the Eleventh Judicial Circuit for Dade County, Florida. In 1980, Judge Ferguson was appointed by then-Governor Bob Graham to the state Court of Appeals, and, again,



District Judge Wilkie D. Ferguson, Jr.

became the first African American to serve on the Third District Court of Appeals. In 1993, after 17 years serving the State of Florida and the Miami community, and distinguishing himself at every level on the state bench, Judge Ferguson was appointed by President Clinton to the Southern District of Florida, where he became only the second African American to serve as a United States District Judge.

Judge Ferguson's career as a Judge was characterized, at every level, by fairness, integrity, and commitment to service, which earned him the respect of the entire community. He became widely respected among advocates for the disabled for his decision in several cases in this Court which resulted in the State of Florida both increasing the funding available and revamping the state's antiquated systems for delivery of services to the disabled. Over the years Judge Ferguson was officially recognized for the quality of his service as a lawyer and a Judge, being bestowed with a

wide variety of awards and honors, including the Thurgood Marshall Achievement Award for Exceptional Scholarly Performance, from the Miami Chapter of the National Bar Association. The Judge also tirelessly served his profession and community through his involvement in numerous professional committees and societies, including the Florida Supreme Court Committee on Civil Jury Instructions and the Florida Bar Foundation, and his service on numerous non-profit and charitable organization boards, including the United Way of Dade County, the James E. Scott Community Association, and the Orange Bowl Committee.

Judge Ferguson's five decades of selfless service to the community, the bench, and his country earned him the respect of all who came in contact with him, and will be his legacy. His colleagues on the bench and in the legal profession will miss him deeply.

IN MEMORIAM

SENIOR JUDGE NORMAN C. ROETTGER

The Southern District lost one of its longest serving Judges on July 26, 2003, with the death of Senior Judge Norman C. Roettger. Judge Roettger served as a United States District Court Judge for more than 30 years, and continued an active role with a significant caseload up until his passing. Affectionately known to his bar and bench colleagues as “Stormin’ Norman,” Judge Roettger will be fondly remembered almost as much for his flamboyant personality and hunting exploits as for his years of dedicated service to the public.

Judge Roettger received his undergraduate degree from Ohio State University in 1952. After serving in the United States Navy, he attended Washington & Lee Law School in Lexington, Virginia, where he graduated *magna cum laude* in 1958. The Judge moved to Fort Lauderdale in 1959 and joined the law firm of Fleming, O’Brien & Fleming. In 1969, the Judge was appointed deputy counsel for the U.S. Department of Housing and Urban Development in Washington D.C., where he served until his appointment to the federal bench by President Richard M. Nixon in 1972.

Judge Roettger became Fort Lauderdale’s first full-time federal judge, as well as the first federal judge in the Southern District of Florida to have a permanent court site outside of Miami. He continued to “ride the circuit,” however, hearing cases in the Fort Pierce and Key West divisions up until his death in 2003. Judge Roettger served the Court as Chief Judge from 1991 until 1997, guiding the Court through a time of rapid expansion. Well known for his outspokenness and his willingness to take charge of his courtroom, Judge Roettger handled many notorious criminal cases over the years, including the murder conspiracy trial of religious cult leader Yahweh Ben Yahweh and several infamous cases involving high-ranking organized crime

figures. Judge Roettger remained unruffled by the death threats he received as the result of the sentences he meted out in those organized crime trials.

Judge Roettger took senior status in 1997, but continued to accept a significant caseload, hearing cases across the district, from Key West to Fort Pierce. He will be long remembered and greatly missed.



District Judge Norman C. Roettger

FAREWELL

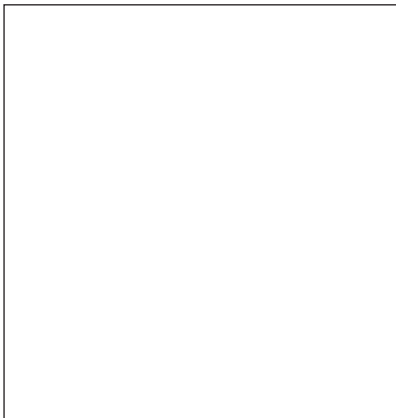
MAGISTRATE JUDGE CHARLENE SORRENTINO

On April 1, 2003, the Court bid a fond farewell to United States Magistrate Judge Charlene H. Sorrentino as she retired from the Bench after more than 27 years of service to the District. Judge Sorrentino's service to the Court commenced some time before her appointment as a Magistrate: she served as a law clerk to United States District Judge Charles B. Fulton from 1967 to 1971, and as an Assistant Federal Public Defender from 1971 to 1975. On September 12, 1975, Magistrate Judge Sorrentino was appointed as a United States Magistrate Judge, the first female to hold such a position in the Southern District of Florida.

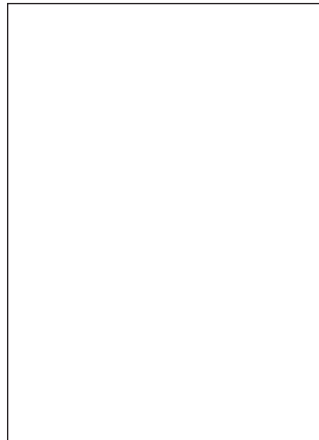
In 1987, in response to the high volume of complaints by unrepresented prisoners filed in the Southern District, the Court established the *Pro Se* Magistrate Division, and assigned Judge Sorrentino to head it. The *pro se* division was charged with processing all *pro se* habeas corpus petitions brought pursuant to 28 U.S.C. §§2241, 2254, and 2255, and all *pro se* prisoner civil rights

complaints brought pursuant to 42 U.S.C. §§1983 and 1985. When the division was first established, Magistrate Judge Sorrentino had a judicial assistant, career law clerk, and two staff attorneys to assist with these cases. By the time she retired in 2003, her staff had grown proportionately to the increase in caseload, ultimately including a supervising staff attorney, six staff attorneys, a law clerk, a *pro se* writ clerk, and a judicial assistant.

In addition to her pioneering work establishing and heading the *pro se* unit, Magistrate Judge Sorrentino served for almost six years as the first Chief Magistrate Judge in the Southern District of Florida. On March 21, 2003, the Court hosted a retirement party for Magistrate Judge Sorrentino in the Courtyard of the David W. Dyer Federal Building and United States Courthouse. In honor of her years on the Bench, the Court presented her with a portrait which was proudly hung in the Magistrate Lobby of that building.



*Chief Judge Zloch and
Magistrate Judge Sorrentino*



*Official Portrait
of Magistrate Judge
Sorrentino*

WELCOME ABOARD

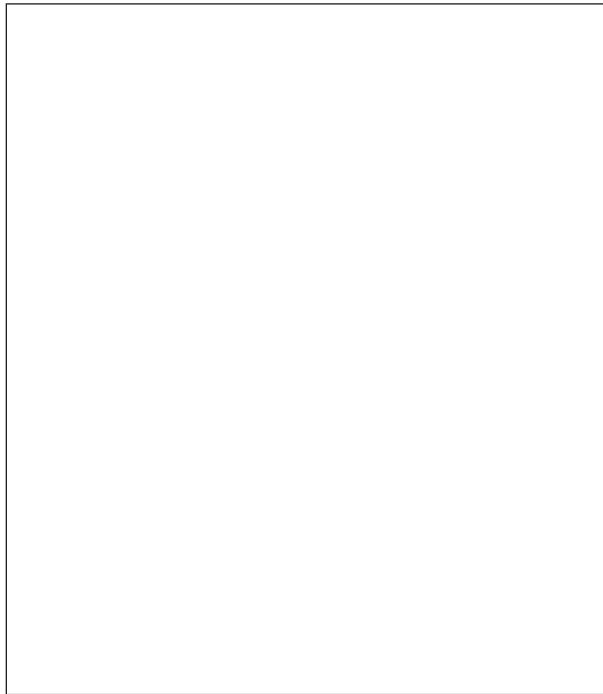
DISTRICT JUDGE CECILIA M. ALTONAGA

The Southern District of Florida welcomed Judge Cecilia M. Altonaga to the bench when she was formally sworn in as a United States District Judge for the Southern District of Florida on September 5, 2003, in the Ceremonial Courtroom of the David W. Dyer Federal Building and United States Courthouse in Miami, Florida. Judge Altonaga was born in Baltimore, Maryland, to Cuban exile parents. She graduated from Florida International University in 1983 with highest honors, earning a B.A. in Political Science, with a minor in English and a Certificate in Latin American and Caribbean Studies. Judge Altonaga received her juris doctorate from Yale Law School in 1986, where she served as the Articles Editor of the Yale Journal of International Law and was a member of the Yale Moot Court Board.

Judge Altonaga commenced her professional career with a clerkship in the Miami-Dade County Attorney's Office, followed by a term as Law Clerk for former Chief United States

District Judge Edward B. Davis from 1987 to 1988. Following her term as Law Clerk to Judge Davis, Judge Altonaga worked as an Assistant County Attorney at the Miami-Dade County's Attorney's Office until 1996, when she was appointed as a County Court Judge for Miami-Dade County. From 1999 until her appointment as a United States District Judge by President George W. Bush in 2003, Judge Altonaga served as a Circuit Court Judge for the Eleventh Judicial Circuit, Miami-Dade County.

Judge Altonaga belongs to the Dade County Bar Association, the Cuban American Bar Association, and the Florida Association of Women Lawyers. She has served as a member of the National Advisory Committee for Cultural Considerations in Domestic Violence Cases, Governor Jeb Bush's Select Task Force on Election Procedures, Standards and Technology, and the First Family Law American Inns of Court. Judge Altonaga's chambers are in Miami.



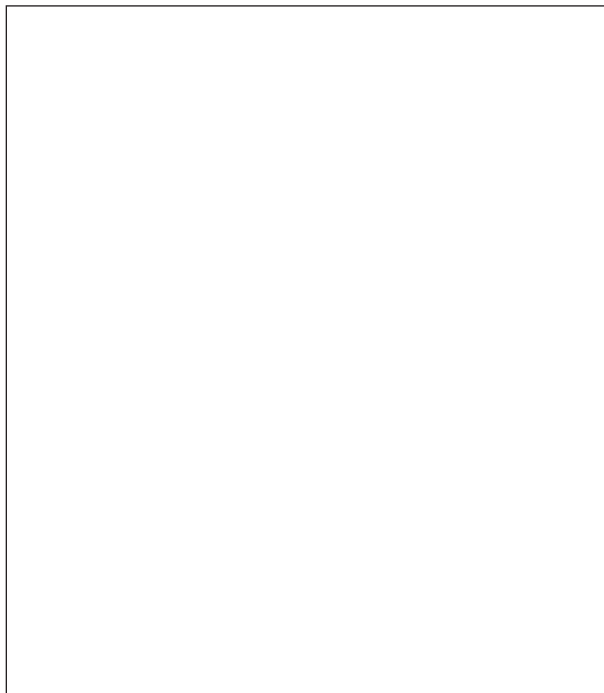
District Judge Cecilia M. Altonaga

WELCOME ABOARD

DISTRICT JUDGE JAMES I. COHN

United States District Judge James I. Cohn was appointed to the federal bench on August 1, 2003, by President George W. Bush. Born in Montgomery, Alabama, in 1948, Judge Cohn graduated from the University of Alabama in 1972. After graduation, he entered Samford University Cumberland School of Law, and received his juris doctorate in 1974. Judge Cohn served with honor in the Alabama Army National Guard from 1970-1972, the United States Army Reserves from 1972-1975, and the Florida Army National Guard from 1975-1976. After graduating from Cumberland Law School in 1974, Judge Cohn worked for one year as an Assistant Public Defender in the Broward County Public Defender's Office. He then spent three years as an Assistant State Attorney

in the Broward State Attorney's Office. Following his tenure in the State Attorney's Office Judge Cohn joined private practice for one year before establishing his own general trial practice in 1979. Prior to his appointment to the federal bench, Judge Cohn served as a Circuit Judge on the 17th Judicial Circuit of Florida, Broward County, a position he held since 1995. During Judge Cohn's confirmation hearing, The Honorable Orrin Hatch, United States Senator from Utah, stated for the record that "Judge Cohn's record reflects that of a skilled lawyer, an experienced judge, and an active citizen — characteristics that will make him a valued addition to the federal bench." Judge Cohn is chambered and presides in the Fort Lauderdale Division.



District Judge James I. Cohn

WELCOME ABOARD

MAGISTRATE JUDGE PATRICK A. WHITE

In March of 2003, the Southern District of Florida welcomed Patrick A. White, appointed to fill the position left vacant by the retirement of Magistrate Judge Charlene Sorrentino. Judge White became the first African American Magistrate Judge in the Southern District when he assumed the leadership of the *pro se* magistrate division formerly headed by Judge Sorrentino.

Judge White received his Juris Doctorate from Howard University in 1977, immediately after which he became an Assistant in the Miami-Dade State Attorney's Office. He left there in 1978 for the Equal Employment Opportunity Commission, where he served for 10 years, in Philadelphia, Washington, and Washington, D.C., and in capacities that included Senior and Supervisory Attorney.

Magistrate Judge White came to the Court directly from the United States

Attorney's Office in Miami, where he had served with distinction since 1989. Judge White's distinguished career as an Assistant United States Attorney included service as the Deputy Chief of the Major Crimes

Division, Special Counsel to the United States Attorney, Executive Counsel to the United States Attorney, and Chief of the Criminal Civil Rights Section. Judge White's chambers are in Miami.



*Magistrate Judge Patrick
A. White*

MAGISTRATE JUDGE JAMES M. HOPKINS

In October 2003, the Southern District of Florida welcomed its fifteenth authorized Magistrate Judge, James M. Hopkins, to the bench. Magistrate Judge Hopkins joined the Court after serving with distinction at the United States Attorney's Office, Southern District of Florida, since 1991. Prior to serving as an Assistant United States Attorney in the Southern District of Florida, Judge Hopkins served as an Assistant United States Attorney in the Southern District of New York, an Assistant

Commissioner with the New York City Department of Investigation, Inspector General with the New York City Department of Environmental Protection, and Special Assistant



*Magistrate Judge James
L. Hopkins*

WELCOME ABOARD

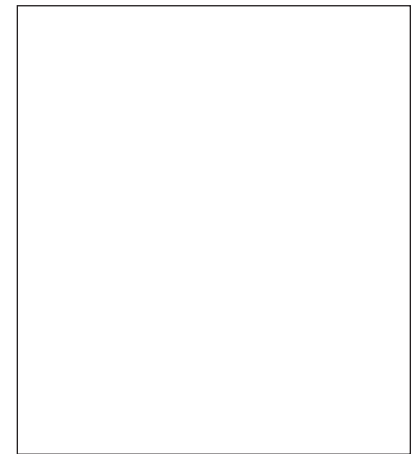
Attorney General with the Office of the New York State Special Prosecutor. Magistrate Judge Hopkins received his juris doctorate

from the Fordham Law School in 1977. Judge Hopkins' chambers are in West Palm Beach.

MAGISTRATE JUDGE THEODORE KLEIN

The Southern District of Florida welcomed Magistrate Judge Theodore Klein to the bench as its seventeenth authorized Magistrate Judge in November of 2003. Magistrate Judge Klein graduated cum laude from the University of Miami School of Law in 1964, where he was a member of the Phi Kappa Phi Honor Society. He attended Yale Law School on a full scholarship and graduated in 1967. Prior to his appointment to the bench, Magistrate Judge Klein was a partner at Bierman, Shohat, Loewy & Klein, P.A. (1995-2003), associate and partner at Fine, Jacobson, Schwartz, Nash & Block (1970-1995), Assistant United States Attorney, Southern District of Florida (1967-1970), and associate at Knight, Underwood, Peters & Hoeveler (1964-1966). Magistrate Judge Klein has been an Adjunct Professor of Law at the University of Miami

School of Law for over 25 years, and has over 30 years of experience in the practice of white-collar criminal law in courts at all levels in the nation, including the U.S. Supreme



Magistrate Judge Theodore Klein

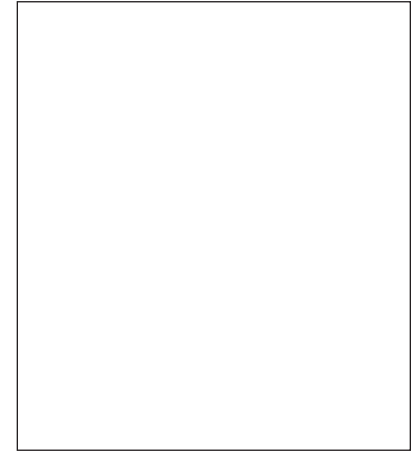
Court. Magistrate Judge Klein is a past President of the Florida Association of Criminal Defense Lawyers, the local chapter of the Federal Bar Association, and served for six years on the Board of Governors of The Florida Bar. Judge Klein's chambers are in Miami.

WELCOME ABOARD

MAGISTRATE JUDGE EDWIN G. TORRES

On October 31, 2003, Edwin G. Torres became the Southern District's sixteenth authorized Magistrate Judge. In so doing, he also became the first Hispanic, and youngest lawyer, to be appointed as a United States Magistrate Judge in the Southern District. Magistrate Judge Torres, who was born in Bolivia, graduated *cum laude* from Georgetown University Law Center in 1991. Following his graduation, he joined Steel Hector & Davis LLP, where he ultimately became a coordinating partner in the firm's litigation department. He remained

there until his appointment to the federal bench. Judge Torres' chambers are in the Fort Lauderdale Division.



*Magistrate Judge Edwin
G. Torres*

CASE PROCESSING AND DISPOSITION

LEVELING TRENDS

During the late 90's, strong upward trends in both criminal and civil filings had firmly established themselves in the Southern District. Those trends began to level off starting in 2001, and reached a plateau in 2003, when, for the first time in many years, the Southern District experienced declines in the total number of unweighted civil and criminal filings. Established trends in filing venue, however, have continued to remain true to course, as the proportion of Northern Division filings in relation to the whole, in both civil and criminal cases, again rose in 2003, giving the Northern Divisions an even larger share of the District totals.

As discussed in the following sections, despite the slight decline in yearly filings, the Southern District continues to be one of the busiest courts in the land, leading the Nation in most significant trial categories. Congressional response to this Court's traditionally heavy burden began to catch up with reality in 2003, as the President

appointed, to a position that Congress had already authorized in 2002, the District's eighteenth active District Judge. Per-Judge case statistics for 2003 reflect the addition of a new Judge, although most such statistics still remain above the national norms.

Just as importantly, three new Magistrate Judge positions were authorized and filled in 2003, bringing the District's Magistrate Judge positions to 17 in number, second among the Nation's District Courts. As these three Magistrate Judge positions were filled later in the calendar year, it is not yet possible to determine with any statistical certainty the extent to which the burdens on the District's Article III Judges have been alleviated by their addition. Given the wide variety of tasks committed to Magistrate Judges in this District, however, it seems apparent that the addition of these new positions will have a demonstrable effect on District Judge workload in a relatively short period of time.

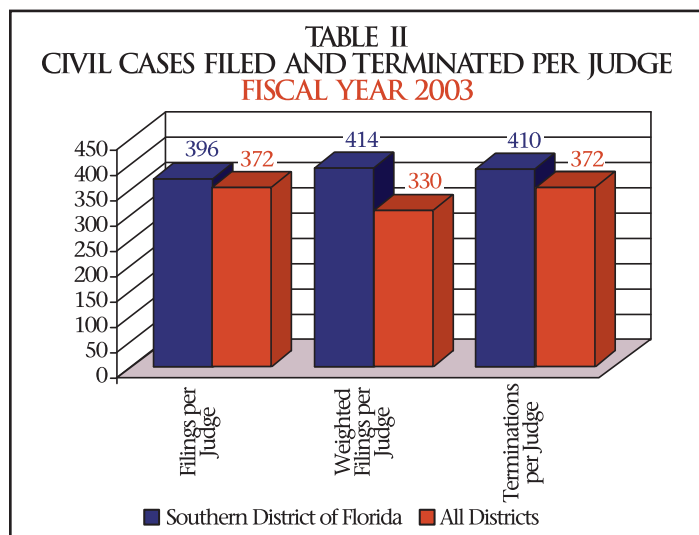
CIVIL CASES

Last year, there were 7127 new civil cases filed in this District, and 7383 terminated. This equates to an average of 396 new filings and 410 terminations per authorized judge, which is 6.5 percent and 10.2 percent higher, respectively, than the national averages. (See Tables I & II.) In aggregate terms, the total civil cases filed in this District fell by 5 percent (from 7499 in 2002 to 7127 in 2003), but not as drastically as the overall

TABLE I
SOUTHERN DISTRICT OF FLORIDA
CIVIL AND CRIMINAL CASES FILED

	Civil		Criminal		Total	
	2002	2003	2002	2003	2002	2003
Miami	4,043	3,270	1,094	1,047	5,137	4,317
Ft. Lauderdale	1,792	2,235	300	299	2,092	2,534
West Palm Beach	1,171	1,145	211	165	1,382	1,310
Ft. Pierce	393	372	96	70	489	442
Key West	100	105	42	36	142	141
Total	7,499	7,127	1,743	1,617	9,242	8,744

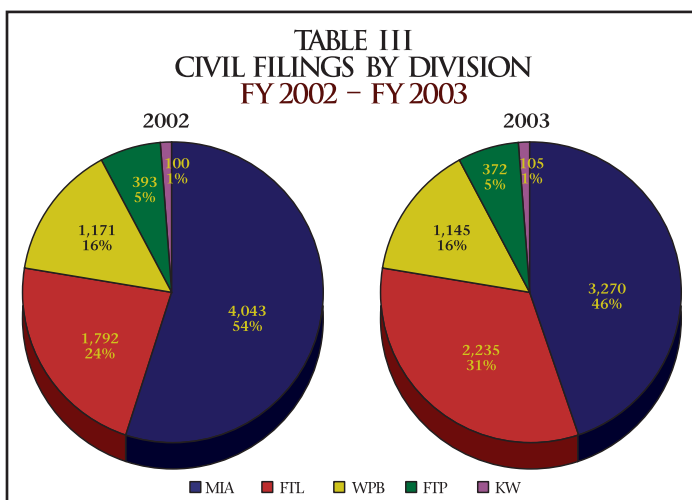
decrease of 8 percent in civil cases filed nationally. As a result, the total civil cases pending in this District decreased by 4.8 percent in 2003.



From the standpoint of pure civil case filings, in 2003, previous years' trends of caseload distribution continued to be increasingly weighted towards the Northern Divisions. (See Table III.) As Table I shows, the Fort Lauderdale division experienced a significant upsurge in new filings in 2003. Although the West Palm Beach and Fort Pierce Divisions showed slight decreases from previous year levels, the 2003 decline in new civil filings in those divisions was far less than that experienced in Miami. (See *id.*) As a result of these shifting trends, new civil filings in the Miami Division comprised only 45.88 percent of the District total in 2003, down from 53.91 percent in 2002. (See Table III).

The shift of civil filing volume toward the Northern Divisions had already prompted the Court, in 2002, to obtain authorization

to locate a full-time district judge in the Fort Pierce Division, which is currently staffed only by a single, full-time Magistrate Judge, with periodic visits by District Judges from other divisions traveling to Fort Pierce to hear cases. In 2003, the Clerk's Office staff at that location was increased to reflect the steadily increasing workload. Moreover, plans for a new Fort Pierce Courthouse proceeded through the sight acquisition and initial design phase, as discussed later in this report. Although pushed back, the installation of a full time District Judge in



that Division is still very much a part of the Southern District of Florida's future plans.

The rise in civil filings in the Fort Lauderdale Division in 2003 increased that Division's proportional share of the District's total civil filings from 24 percent (in Fiscal 2002) to 31 percent in 2003. (See *id.*) Unfortunately, this surge in Fort Lauderdale filings was occurring in that period during which District Judge Wilkie D. Ferguson,

Jr., and Senior Judge Norman C. Roettger, both of whom were chambered in the Fort Lauderdale Division, passed away. As a result, newly appointed District Judge James I. Cohn, originally appointed to the District's eighteenth authorized judgeship and assigned to the Fort Pierce Division, was assigned to the Fort Lauderdale Division. Judge Cohn's addition to the bench helped offset the impact of the significant increase in civil filings in that Division, and assisted in the handling of Judge Ferguson's and Judge Roettger's pending caseloads.

"Weighted" civil filings — which reflect adjustments made by the Administrative Office based upon case type and complexity — actually increased in the Southern District by 9.3 percent during 2003 (up to 7452 from 6817 in 2002). (See Table IV). By comparison, on the national level, weighted civil filings actually decreased by .1 percent.¹ That translates to, on an individual judge basis, 414 weighted civil filings per Judge in this District in 2003, as compared to a 330 per judge rate nationally. (*Id.*). Even with the addition of an eighteenth authorized Judge, the District's weighted civil case per Judge average rose in 2003, from 401 to 414. The 2003 average is 25 percent greater than the national average.

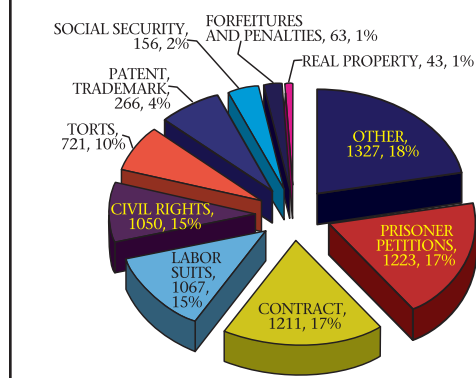
This past year saw an interesting readjustment in the mix of the usual civil case types being brought in this District. (See Table V). For example, the total number of civil cases filed by private individuals in this District increased by 7.9 percent, while such cases decreased by almost the same amount, 7.7 percent, nationally.² Real property cases

TABLE IV
SOUTHERN DISTRICT OF FLORIDA
WEIGHTED CIVIL FILINGS

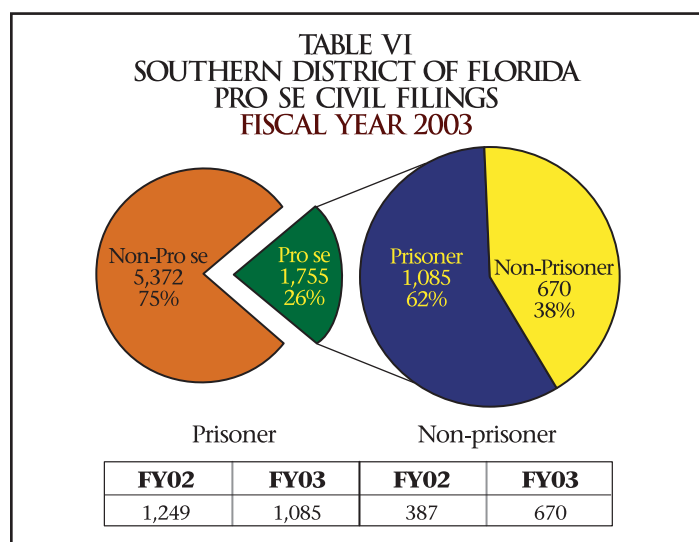
Fiscal Year	Weighted Filings	Per Judge	National Per Judge
2002	6,817	401	339
2003	7,452	414	330
Change	9.3%	3.2%	-2.7%

declined by 91.6 percent in this District, down to 43 from 513 in 2002, largely due to the "winding down" of the Everglades reclamation project that had swamped the Court with land condemnation cases for the past four years. Employment cases were up significantly over the past year, increasing in the Southern District by 14.1 percent (1067, up from 935 in 2002), while decreasing nationally by 5.3 percent.³ Social Security cases filed in this District likewise bucked national trends, increasing here by 2.6 percent (156, as opposed to 152 in 2002), while declining by 6.5 percent nationally.⁴ Cases brought by self-represented litigants rose 7 percent from 2002 totals (from 1636

TABLE V
SOUTHERN DISTRICT OF FLORIDA
CIVIL FILINGS BY NATURE OF SUIT
FISCAL YEAR 2003

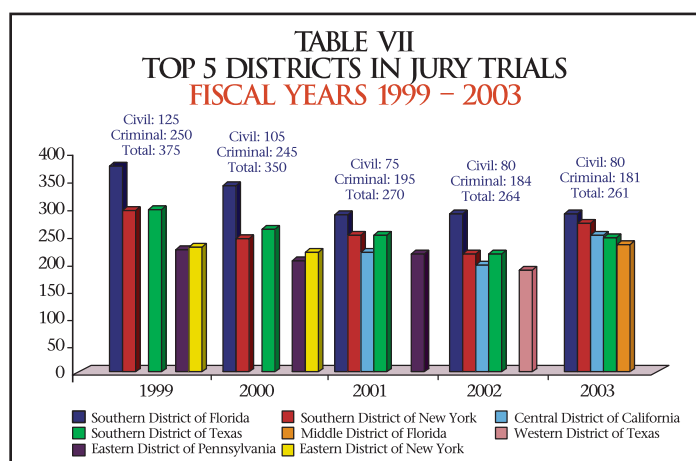


to 1755). This overall increase in *pro se* cases occurred despite a decrease in prisoner *pro se* cases, which have long represented the vast majority of *pro se* cases brought in the district. While prisoner cases declined by 13 percent, non-prisoner *pro se* cases increased by a whopping 42 percent. As a result, *pro se*

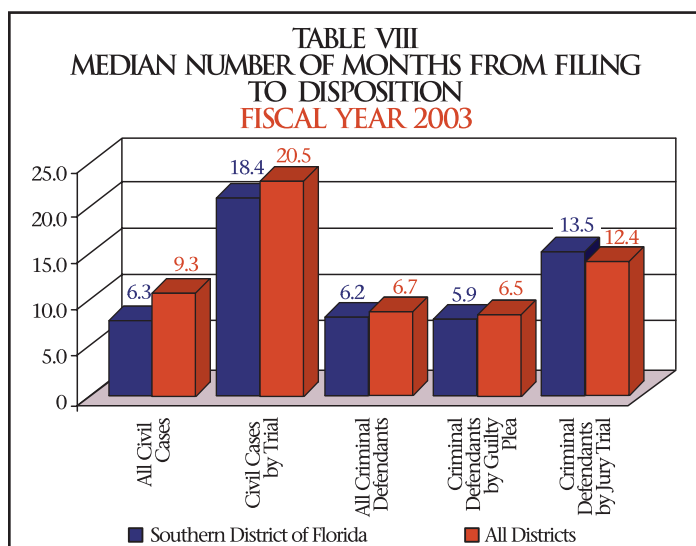


cases represented 25 percent of the District's new civil filings in 2003. (See Table VI).

Despite declines in new filings and the change in case composition, trial work remains the bulk of this Court's business. The Southern District has long had a reputation as a "trial heavy" Court; in fact, this Court's bench has as a whole consistently presided over the highest number of jury trials in the federal judiciary for the past seven years running. The year 2003 was no different: once again, the Southern District led the nation in total jury trials with 261. (See Table VII). Of that number, 80 were civil trials (ranked sixth nationally) and 181 criminal trials (ranked first nationally).⁵ (See *id.*).



Although jury trials are its mainstay, the Southern District continues to rank high in bench trials as well, ranking fifth nationally in 2003 with 56, including 53 civil non-jury trials (ranked fifth)⁶ and 3 criminal non-jury trials. Its total trial numbers, combining both civil and criminal and both jury and non-jury (317), ranked it second in that category in 2003.⁷ Although this total represented an slight decrease (5.7 percent) from 2002 numbers, the Southern District's



2003 trial totals declined only half as much as national totals, which were down 11.4 percent in 2002.⁸

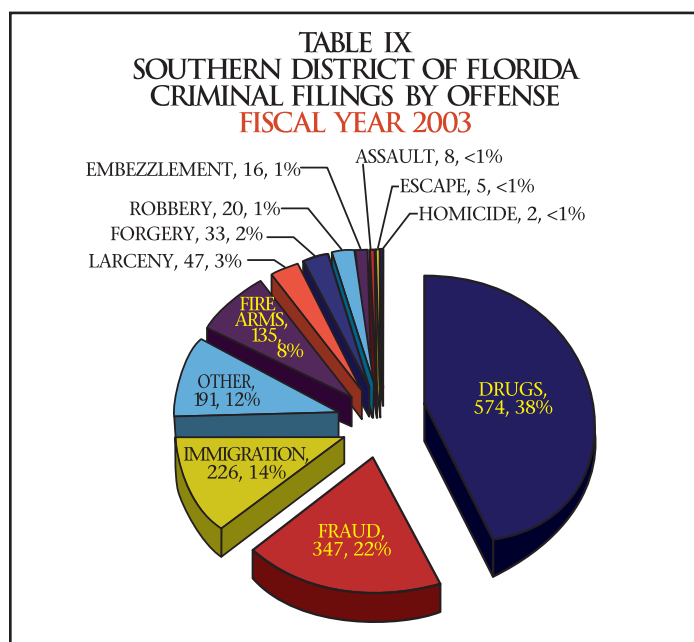
Despite its traditionally heavy trial workload, this Court was once again in 2003 well above the national average in

terms of civil case disposition times. For civil cases that went to trial in this District in 2003, the median time from filing to trial was 18.4 months, 29 percent faster than the national median time from filing to trial for civil cases of 22.5 months. (See Table VIII).

CRIMINAL CASES

Although the level of new criminal case filings rose slightly across the nation in 2003, a majority of the largest District Courts (those with 15 or more active judges) experienced slight overall decreases.⁹ This Court reflected that trend, with a seven percent decrease in new criminal filings for fiscal year 2003. (See Table I, *supra*). The largest declines were experienced in the West Palm Beach and Fort Pierce divisions, which experienced 22 percent and 17 percent decreases, respectively, from 2002's totals. (See Table IX). Miami and Fort Lauderdale divisions stayed fairly stable, with Miami experiencing a 4 percent overall decline, and Fort Lauderdale staying at virtually the same level as in 2002. The overall number of defendants charged in the Southern District in 2003 declined from 2002 totals at a lesser rate — 4.2 percent — than did new filings, evidencing an increase in the number of defendants per charging instrument.

Part of the decline in new cases in 2003 was due to the changing composition of the criminal cases brought in the District. Long the national leader in terms of drug offenses, the Southern District experienced last year its second straight yearly decline



in the number of drug cases filed. In fiscal 2003, 574 drug cases were filed here, down 24 percent percent from the 752 that were filed in 2002. Since fiscal 2001, new drug cases have decreased by almost one third in the district. Although drug cases still represent the largest share of criminal filings in the Southern District — 36 percent of the total in fiscal year 2003 — their proportional share of the total continues to decline. In fiscal year 2002, drug cases

comprised 43.7 percent of the Court’s new criminal caseload.

The effect of the 24 percent decrease in new drug cases, however, was all but “cancelled out” by significant increases in other types of cases. Fraud cases, for example, which are assigned the highest weights on the Administrative Office’s scale, increased by four percent, and in 2003 comprised 22 percent of the District’s total new criminal filings, as compared to 2002’s 19 percent representation. (*See* Table IX). The number of immigration offenses filed in 2003 rose even more dramatically, from 151 in 2002 to 226 in 2003, a 33 percent increase. (*Id.*). The proportion of immigration offenses to the whole rose from 9 to 14 percent. (*Id.*).

Despite 2003’s slight decline in criminal filings, the Southern District retains its status as one of the busiest criminal courts in the land. The Southern District still ranked sixth amongst its sister courts in the overall number of new criminal filings, as well as in the total number of defendants commenced and defendants terminated (*see* Table X), as it did in 2002. When the “weight” — i.e., the value assigned to the case by the Administrative Office of the United State Court according to its complexity — of the criminal cases filed in 2003 is taken

into account, this Court ranked fifth in the nation. (*See id.*).

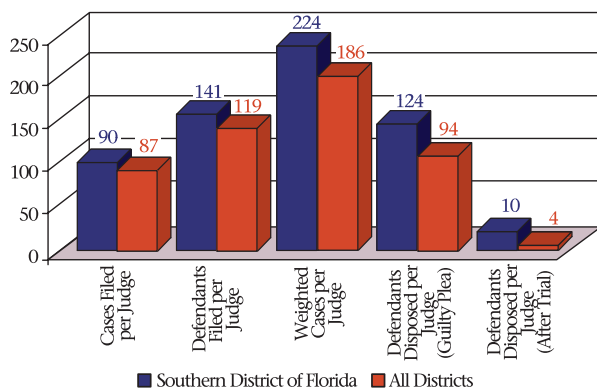
The appointment of an additional District Court Judge in 2003 — the District’s eighteenth — was of demonstrable assistance in terms of caseload management, particularly when combined with the slight decrease in new filings. For one thing, the addition of that new Judge lowered the new criminal filings per active Judge rate from 103 to 90. Although this is still higher than the national average by 3.4 percent, it represents a 13 percent decrease from 2002. Similarly, while weighted criminal cases per Southern District judge declined in 2003 by 14 percent, from 263 to 224, our per judge average is still 17 percent higher than the national average. (*See* Table XI).

The District’s already impressive disposition times also markedly improved during 2003. Overall, the median time from filing to disposition for all criminal defendants in the Southern District improved from 6.5 months in 2002 to 6.2 months in 2003, a 5 percent improvement. (*See* Table VIII, *supra*). For those defendants who pled guilty, this median disposition time in 2003 was 5.9 months, a 9 percent improvement over 2002. (*Id.*). Not only did this Court process criminal defendants quicker overall in 2003 than it did in 2002, but it did so significantly faster than the average district court: overall, the Southern District’s median disposition time was 7.5 percent better than the national average. For defendants who pled guilty, this District’s median time was 9 percent faster than the national average. (*Id.*).

TABLE X
SOUTHERN DISTRICT OF FLORIDA
CRIMINAL CASES AND DEFENDANTS (RANKINGS)

	Cases	Rank
Criminal Cases Filed	1,617	6
Criminal Cases Terminated	1,673	6
Criminal Defendants Filed	2,538	6
Criminal Defendants Terminated	2,566	5
Weighted Criminal Cases	4,032	5

TABLE XI
SOUTHERN DISTRICT OF FLORIDA
CRIMINAL CASES AND DEFENDANTS FILED AND DISPOSED
FISCAL YEAR 2003

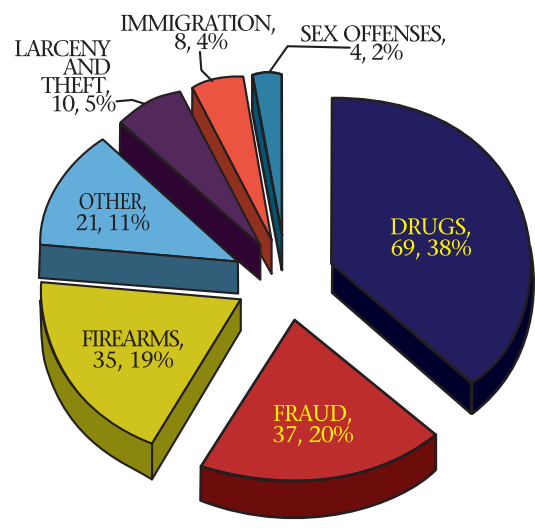


Although the proportion of defendants in this District that plead guilty mirrored the national average (89 percent),¹⁰ this Court again tried a record number of criminal defendants in 2003, for the seventh straight year leading all District Courts in the nation with 181 jury trials. (See Table VI, *supra*). All told, the Judges of this District spent, on average, 312 hours each in criminal trials, 241 percent greater than the national per judge average of 129 hours. Trials for drug-related offenses made up the majority of 2003's trials, although not as commanding of a majority as in years past. The 69 drug-related trials held here in 2003 made up 38 percent of all criminal trials, followed closely by fraud trials (37, 20 percent of the whole) and trials for gun-related offenses (35, for 19 percent of the whole). (See Table XII). The average trial lasted 30 hours, 25 percent longer than the national average. The longest trial this year, involving former

Miami Police Officers who were charged with, *inter alia*, intimidating witnesses, defrauding the government, and obstructing justice, lasted 38 days.

As might be expected, this District's sentencing statistics are also much higher than the average District Court. During fiscal 2003, 2,351 defendants were sentenced, the fifth highest total in the nation, for a per-judge average of 131, 34 percent

TABLE XII
SOUTHERN DISTRICT OF FLORIDA
CRIMINAL TRIALS BY OFFENSE
FISCAL YEAR 2003



more than the national average.¹¹ Of those defendants, 2,112, or 90 percent, were sentenced to terms of imprisonment. The average sentence per defendant was 57.5 months, with the longest sentence imposed being life imprisonment. Eleven defendants received life sentences.

CLERK'S MESSAGE

TIGHTENING THE SHIP FOR HEAVY WEATHER

It is important for me to recognize this organization's staff as we navigate through the Federal Judiciary's unprecedented fiscal shortfalls: this office would fail in its daily work but for their commitment to our mission and to operational excellence. In particular, I want to recognize those staff members who have worked over the past few years to make this Annual Report a truly top-notch document. Their efforts, over and above their regular duties, demonstrate staff's resolve for a quality work product and desire to convey the work of this busy organization to the public both accurately and professionally.

While faced with the challenge of supporting one of the busiest trial benches in the Nation, we have also attempted to manage operations in the face of massive budget deficits. At the time of this writing, we are operating at about ten percent

below our authorized staffing level of 172 positions, and the organization has reduced its headcount by 13 positions since October 1, 2003. The past few months haven't been easy for the organization, but we continue our strategic planning efforts in full-force with our mission, vision and values as our touchstones and "better, faster, cheaper" as our mantra.

This Report provides a great deal of information about our work, and I commend it to you for review. As always, I invite your comments or questions to my attention.

While we intend to continue producing this document, funding reductions will likely make its hard copy reproduction and dissemination impractical for the foreseeable future. Commencing with this document, the District's Annual Report will henceforth only be available on-line at www.flstd.uscourts.gov.

VISION OF THE CLERK'S OFFICE

We will be a leader and resource in the Federal Judicial System. We will be recognized for:

1. Providing the highest quality of service to the public, judges, and each other.
2. Implementing new technologies and other innovative practices.
3. Continually improving our work processes and performance.
4. Maintaining a positive and professional work environment.

INCREASING EFFICIENCY

DOING MORE WITH LESS

It became apparent in 2003 that the Federal Courts would begin to face the same sort of tightening budget constraints being experienced by their sister State Courts and by other Government agencies, without a proportional decline in the amount of work to be accomplished. Moreover, in the Southern District of Florida, judicial personnel resources were actually increasing while overall budgetary resources were in decline. This presented, and will continue to present, a unique challenge in the administration of this Court over the years to come. Of course, neither the Court nor the Clerk's Office is willing, under any circumstances, to compromise the quality of services and support. We are thus



Architectural detail from ceiling of ceremonial courtroom, David W. Dyer Federal Building and United States Courthouse in Miami

being continually challenged to do more, and to do it better, with less. We have risen to such challenges in the past with forward-looking resource planning and technological innovation. Our response to this challenge is and will be to constantly innovate and improve in ways that will allow us to serve the Court and its customers at the level they

are accustomed to with less resources, by increasing our use of technology, by creating a highly skilled, versatile workforce, and by improving the physical plant. Long renowned for technological innovation, and now bolstered in these efforts by a dynamic five year

strategic plan, we are confident that we will meet these challenges.

CORE VALUE

Customer Service: We will address the needs of all customers with courtesy, respect, and knowledge.

TECHNOLOGICAL INNOVATIONS: FAS4T

Throughout the summer and fall of 2003, a team of dedicated financial professionals worked on a project to adapt and implement a new financial computer system, aptly named the Financial Accounting System For Tomorrow, or “FAS4T,” in this District.

FAS4T is a national program developed by the Administrative Office of the United States Courts in Washington, D.C. Based upon stock commercial software, FAS4T has been specifically adapted to operate in the financial setting of the federal courts. This new system is windows-based, and provides many system upgrades and enhancements over the former DOS-based financial system that has been in use in this District for almost a dozen years.

Notwithstanding the fact that FAS4T is a national program, implementation proved to be quite a monumental task, given the unusual size and volume of financial transactions in this District. The Clerk's Office is the “disbursing office” (*i.e.*, the check book) for all other court units in the District, including Probation, Pretrial Services, the Bankruptcy Court and the Federal Public Defender, processing over

34,000 checks and disbursing over \$44 million annually. To insure that this new financial system would meet all needs, a fully integrated, multi-disciplinary team from all court units was assembled to work under the direction of Project Manager Cecilia

Lavina, the Clerk's Office's Financial Administrator.

Meeting weekly from late summer through the “go-live” date of November 3, 2003, the FAS4T team worked through the tedious – yet crucial – process of “tweaking” the nationally-designed software program to meet local needs. Preparing for system conversion involved numerous steps, including installation of the software on a

local server and trouble-shooting technical aspects of the application; learning the software and training personnel from all court units in its use; reviewing, cleansing and updating financial data so that it could be uploaded into the new system; and coordinating the actual migration of data from the old financial system to the new. To manage the logistics of this large scale endeavor, the FAS4T Team developed many management tools to aid the process, including creation of a local FAS4T web



Architectural detail from exterior of David W. Dyer Federal Building and United States Courthouse in Miami

page on the Clerk's Office's intranet website, which contained information about FAS4T for ready access, including sections on the project implementation schedule, user manuals, training materials, and meeting minutes of the FAS4T team.

Ultimately the FAS4T system went live on November 3, 2003. Since that time, the system has proved reliable and generally easy to use. The windows-based functionality has proved easier for personnel to learn. The system also has the capability for transmitting more information electronically, and enabling payments to be electronically approved. Finally, the system has features that have facilitated the implementation of "Certifying Officers' Legislation" in this District, where each court unit has taken over primary responsibility

for verifying and authorizing payments from its own unit. This has the potential of generally reducing processing delays and has decreased the need for movement and storage of paperwork between court units. More work remains to be done in the future before this system is complete. Currently, the FAS4T system handles management and control of court units' budgets and appropriated monies; it does not have a "cash register," nor the ability to manage case accounts or registry funds. System enhancements will be implemented as they become available from the Administrative Office. The current FAS4T team, however, has laid a strong framework for building upon the current successful implementation of the system.

TECHNOLOGICAL INNOVATIONS: ELECTRONIC FILING

The Southern District's electronic filing program began in late 2002, when the Court initiated a pilot program involving a limited pool of filers in civil cases only. During the early part of 2003, the size of the pool of eligible filers was steadily increased until April, at which time electronic filing was opened to all qualified attorneys in all civil cases. A parallel pilot process addressing criminal cases was initiated in the Spring of 2003, with the program being made available to all eligible filers in criminal cases by June.

The pilot period in early 2003 was the test period for the system. The gradual introduction of participants gave the Clerk's

Office the opportunity to thoroughly train staff in the processing of electronically-filed documents, and to implement and perfect consistent internal procedures. The Court's Automation team used this time to evaluate the program's reliability and stability, to safely gauge the system's capabilities, and to identify and correct any programmatic flaws. The Clerk's Office worked closely with the Bar during this phase, dialoguing with filers and prospective filers with an eye toward maximizing the program's utility and simplifying user-end procedures. To facilitate this process, a help-line, accessible from the Court's Website, was established, through

which an active exchange of information between user and operator continues.

The program has proved a success, both internally and externally. Filers are all but unanimous in their praise of the system's utility and convenience. The number of electronic filings received grew exponentially over the year, and the trend shows no signs of slowing. We continue

to make efforts to increase the utility and capacity of the system, and to involve more of the Bar in its use.

We are pleased that our external customers have found our electronic filing program convenient and efficient: part of our motivation in implementing the program was as a service to the Bar. The larger factor underlying development of the program, however, was the continuing quest to increase internal efficiency and economy, goals that in 2003 rose to the forefront of everything that we did as an institution. The electronic filing program is helping us achieve those goals. Significant paper handling and processing steps are eliminated when a document is filed electronically; for example, electronically filed documents are not manually processed by mail or intake clerks. Given the safety protocols the Clerk's Office has instituted in its



manual mail processing operations, vigorous e-filing activity can result in demonstrable

reduction of time and employee resources. More importantly, electronically filed documents do not need to be scanned by Clerk's Office staff in order to be included in the Court's image database, as they are received in a format which can be uploaded without

any manual intervention. Of course, the elimination of these time- and resource-consumptive steps means that pleadings get from litigants' offices to Judges' chambers that much faster.

Electronic filing is no longer an experiment: it has become an important part of litigating in this and most other courts throughout the land. The future of electronic filing in the Federal Courts is already here: as discussed in the next section, the Southern District's modest pilot program will soon be subsumed by the mandatory implementation of a universal case management application designed and supported by the Administrative Office of the United States Courts. The lessons learned via the pilot program will put the Southern District in a much better position to make that transition.

CORE VALUE

Efficiency: We will continually improve the quality and timeliness of our services.

TECHNOLOGICAL INNOVATIONS: CM/ECF

The Administrative Office of the United States Courts is in the process of implementing, throughout the federal court system, a new case management system that will include, as an essential component, an electronic case filing module. The system, which all involved with the Southern District will soon be familiar, is popularly known by its acronym — “CM/ECF” — which stands for “Case Management and Electronic Case Files.”

CM/ECF is a new, completely automated system that was designed specifically for the federal courts. The “CM” component is a case management and docketing program that replaces the antiquated legacy system (ICMS). The system will offer the Courts expanded capabilities for recording and reporting data, provide more user-friendly data entry and retrieval interfaces, and will be fully supported by the Administrative Office. Because it will index docket entries in the same way as the current system does, and will produce a similar docket sheet, the Case Management end of the system should be relatively transparent to all but system operators.

The Electronic Case Files component of the system, on the other hand, will revolutionize the way documents are filed, shared, served, stored, and retrieved, and will give litigants an entirely new role in the process. Fully implemented, the ECF end of the new system will engage filers, through a series of interactive screens with pull-down

menus, in a dialogue designed to extract from the user sufficient information about the document filed from which to construct the text accompanying the docket entry. It will also provide for electronic noticing via E-mail, instead of by facsimile transmission

or mail.

Although the Southern District is not scheduled to officially commence implementation of the system until the Summer of 2004, much preparatory and investigative work was commenced in 2003. Because of the size of and level of activity in the Southern District, and because many of the functionalities of the new system have been already incorporated into our processes by locally-designed applications, we felt it important to start the planning process well in advance of our currently-scheduled 2004 implementation. We therefore devoted time in 2003 to exploring strategies for implementing the new system in a way that will preserve the advantages our internal and external customers already enjoy.

For example, the Southern District cases files have been publically available and remotely accessible in electronic form since 1996. Most courts that have already converted or are in the process of converting to CM/ECF have not previously scanned and electronically posted their records, or, if they have, do not have the same volume of inventory as does this Court. A good deal of our pre-implementation planning



was thus focused on the unprecedented issues underlying the conversion of our inventory of over 18 million case file images to a new database and platform without compromising the quality or accessibility of the data.

An important part of our pre-implementation strategy was our home-grown electronic filing program, discussed previously. Although the Electronic Case Files component of CM/ECF is a very

different product, in that it is more than just a method of transmitting documents to the Clerk's Office for filing, we felt that our early implementation of some form of electronic filing would better position us for the transition. We are confident that our 2003 experiences with electronic filing have in fact culturally and technologically prepared litigants, chambers, and internal users for the coming conversion to CM/ECF.

CORE VALUE

Employee Relations:

We will act fairly, treat each other respectfully, and foster teamwork and open communication.

MODERNIZING FACILITIES

The western border of the Miami federal court complex is undergoing a significant transformation. What was until recently an abandoned television studio building and parking lot is now developing as one of the newest additions to the City of Miami skyline. While the groundbreaking for this newest federal courthouse officially occurred in 2002, construction began in earnest in 2003, and the year closed with the official "topping off" ceremony signaling structural completion of the final floors just weeks away.

The courthouse will rise 15 stories into the sky, and will reflect an architectural vision

that may be atypical for federal courthouse construction, but totally appropriate for the Southern Florida environs. As the structure has taken shape, its dominant features have begun to evolve, giving it a unique, almost organic flavor. The "skin" of the building has begun to develop,





comprised of a combination of precast concrete and granite, surrounded by large expanses of green-shaded glass. Unlike some more traditional courthouse designs, this combination of masonry and glass provides a marriage of tradition and modernness that reflects the uniqueness of South Florida as a whole. The vistas that will be available from those viewing portals will be spectacular.

From the outside, the split structure of the building, with “fore” and “aft” towers conjoined by a center “crystal” — a floor-through atrium surrounded by colored glass — is reminiscent of a tall ship-like structure cutting its way across the horizon. This affect will be accentuated, starting at grade level, by the surrounding grounds designed by famed architect/artist Maya Lin, of the Viet Nam Memorial fame. Ultimately, lush, undulating knolls of green grass will surround the structure like flowing waves of the surrounding waterways in Miami. These waves will be surrounded and embraced by a lush tropical park featuring native Florida plantings.

The facility itself will eventually house 14 District Judges, along with expansion capabilities for two more courtroom/chambers combinations in the future. Most of the Clerk’s Office’s operational and administrative functions will transition into the building as well, including the Public Intake and Record areas, Jury Services, and many other administrative services, such as the Financial, Interpreting and Procurement



sections. Other Court Units will also be consolidated into the structure, including Probation, the United States Marshal’s Service, the United States Attorney’s Office, and the Offices of the Federal Public Defender. The new facility is currently slated for completion and occupancy in late 2005.



With the addition of such significant amounts of space in Miami, the other existing federal courthouses will be impacted as well. Currently, it is anticipated that once District Judges move across the street from the United States Courthouse Complex into the new building, most of the Miami Magistrate Judges will re-locate into the vacated chambers and courtrooms of the Tower Building. In turn, after the Magistrate Judges, Probation and various Clerk's Office areas vacate the David W. Dyer Federal Courthouse, it is anticipated that the Bankruptcy Court in Miami will relocate into that building. As a result, the General Service Administration is currently planning to make significant, prospectus-level improvements to the Dyer Building to accommodate those new tenants, thus providing for all anticipated space needs well into the future.

Projects in other Northern Division locales continue to proceed despite funding difficulties throughout the federal judiciary. In **Fort Lauderdale**, the search for a new site has been the subject of intense speculation, with site/design funding slated for 2004 and construction to begin in 2007. In West Palm Beach, a new courthouse is contemplated for site/design funding in 2007, with construction to commence in 2009.

In 2003, the Court embarked on many

smaller building projects to meet the immediate needs of expansion.

In **West Palm Beach**,

temporary chambers space for newly-appointed Magistrate Judge Hopkins and his staff was crafted from Magistrate Judge Linnea Johnson's chambers. This coming year, it is anticipated that more permanent and suitable chambers will be constructed from space freed up from the move of the Bankruptcy Court out of the West Palm Beach courthouse to another location. In Fort Lauderdale, new Magistrate Judge Torres has been assigned to visiting judge space until commencement of a project later this year to build two new chambers and courtroom spaces. Each of these temporary chambers arrangements are adequate only in the short run, as they



Fort Pierce Post Office and United States Courthouse, circa 1959

require the Magistrate Judges in question to borrow courtroom space from other Judges.

In **Fort Pierce**, plans for a much-needed and long-anticipated new federal courthouse facility are progressing. The new Courthouse will be built in the traditional downtown area of the city of Fort



Architect's rendering, planned Fort Pierce Courthouse

Pierce, on the corner of Orange Avenue and U.S. 1. It will replace the current facility, a former bank leased from the City of Fort Pierce. That facility opened up as the Federal Courthouse, Fort Pierce Division, in 1993, replacing the old Post Office, which was located several blocks from the site of the planned new building.

The initial design of the building has been completed, and is awaiting final

approval from the Government Services Administration. When completed, the four-story, 110,000 square foot building will house full-time resident District Court and Magistrate Judges and their courtrooms, as well as facilities for visiting judges; Clerk's Office staff; Pretrial Services; Probation; the United States Attorney's office; and the office of the Federal Public Defender.

TRAINING

The year 2003 saw an increasingly more comprehensive and aggressive training program for Court employees. A total of 155 training sessions were offered during the year, which included courses and programs geared toward enhancing the skills and versatility of staff, improving customer service, and increasing technological expertise. Technology training included beginning, intermediate, and advanced classes in commercial applications like WordPerfect, Excel, Windows XP, Word for Windows, PowerPoint, Access, and Crystal Reports, as well as intensive courses in Court-specific applications like ICMS and ELMO. Job-specific courses, including a revised Court Room Deputy Training curriculum and a Customer Service Investigation program, were offered, as well as employee enrichment classes like Basic Interviewing Skills, Resume Building, and Team Building. A special one-year "Train-the-Trainer" program, aimed at preparing employees to train others on the job, was also offered. A robust, active

intranet site now allows all employees not only to view available courses and register from their desktop computers, but to learn remotely, view FJTC broadcasts, and access other relevant information related to professional and personal development.

Specialized courses focusing on management techniques have also become part of the training repertoire. Currently, all Clerk's Office managers are participating in a two-year program that includes three phases of management and leadership development: Supervisory Survival, Foundations of Management, and Enhancing Supervisory/Management Skills. This group completed the equivalency of 40 hours of classroom instruction and tested their knowledge by completing and submitting three examinations to the National Independent Study Center Graduate School in Denver, Colorado. The management team received their certificates and will continue the third phase of the program in 2004.

PEOPLE

The Court continued its partnership with the community and its educational outreach during 2003. A legal internship with a Federal judge is considered a coup by most law school students and the Judges in this Court are generous with their opportunities. Many chambers provide this excellent learning opportunity for numerous law school legal interns throughout the year. Judges also hosted visiting tours of middle and high school students providing the opportunity for these young learners to experience the judicial process up close.

The Court's charitable activities were successfully directed at the annual Combined Federal Campaign. Numerous employees from the Clerk's Office joined hands with their counterparts from U. S. Probation and U. S. Pretrial Services during the campaign kickoff "Big Hearts in Little Haiti." Court employees along with employees from public and private sector organizations came together to bring new life to Martin Luther King, Jr. Boulevard in Miami. Volunteers spent the day landscaping, painting the interior and exterior of buildings, painting a mural, creating gardens, and repairing and installing picnic benches. The day recaptured Dr. King's spirit of serving one another, our neighborhoods and our communities. Employees throughout the District pledged their support to their favorite charitable group during the campaign and supported the fund raising by attending bake sales and barbeques.

May brings spring flowers and it also brings the annual Corporate Run in downtown Miami. Runners and walkers



from the District Court family conquered the 5K winding path through towering buildings and across the port bridge. The U. S. Bankruptcy Court sponsored a tent and participants enjoyed after-event snacks as a reward for their efforts. A group of employees also participated in the annual Relay for Life, raising money on behalf of charity.

In September, a tornado ravaged a community in Palm Beach County, destroying the home of one of our West Palm Beach courthouse employees. Thanks to the efforts of a West Palm Beach Deputy Clerk, Court staff was mobilized into a relief effort, collecting donations of cash, clothes, and household items to sustain the affected family.

Court employees had the opportunity in November to demonstrate their ability to work as a team in times of crisis when the Miami Courthouse complex was closed down for a week due to anticipated demonstrations during the Free Trade Area of the Americas (FTAA) Conference in November. As a result of the closings, all Court operations in Miami had to be carried out from the Fort Lauderdale and West Palm Beach courthouses, on very short notice. Enough automation equipment to allow the processing of Miami filings had to be marshaled, moved to, and set up in

those courthouses, and Miami personnel redeployed in staggered shifts. Miami personnel worked in tight, makeshift quarters, on staggered work shifts. West Palm Beach and Fort Lauderdale personnel shouldered the added burdens engendered by the increased activities that normally would have been carried out in the Miami Courthouse. In spite of these hardships, all documents filed in person, by mail, or electronically were processed when they were received, and all initial appearances and other criminal matters requiring expediency were handled without delay.

CORE VALUE

Accountability: We will act, both individually and collectively, to instill and maintain the public trust.

PREMIER PERFORMERS

2003 RECOGNITION OF PERFORMANCE EXCELLENCE

Congratulations to all our employees recognized during the Clerk's Office Annual Staff Meeting in January 2004 for their commitment to the mission, vision, and values of the Clerk's Office.

SUPERIOR PERFORMANCE AWARDS

Tonya Armstrong - Financial Specialist
Natrice Christian - Appeals Clerk
Patricia Fitzpatrick - Magistrate Clerk
Sandra Acevedo - Magistrate Clerk

Jean Vera - Court Reporter Scheduling Coordinator

SPECIAL ACCOMPLISHMENT AWARDS

ZERO TOLERANCE FOR OVERDUE RECORDS ON APPEAL

Natrice Christian, Valerie Leonard, Elizabeth Rodriguez, Hope Hill,
Patricia Curtis, George Fleming, Dominique Louis,
Marjorie Roberts, Deborah Ferguson-Christian

SEQUESTERED JURY HANDLING

Maria Barreiro,
Linda Webb

CASE ASSIGNMENT SYSTEM

Juana Bauza, Marita Diaz,
Ana Gonzalez-Ruiz,
Lucy Lara, Kevin Kappes

LAND CONDEMNATION CASE MANAGEMENT

Nancy Flood

SUSTAINED HIGH PRODUCTIVITY - DOCKETING

Rehan Ahmad,
Clement Hammond,
Lisa Streets

INTRANET TRAINING WEBSITE

Desiree Reyes

E-FILING

Juana Bauza,
Nelson Vidaurrazaga





HONORARY AWARDS TEAM PLAYER · COURTESY · POSITIVE ATTITUDE CUSTOMER SERVICE · COMMUNITY INVOLVEMENT Maria Barreiro

TEAM PLAYER
Roxana Castillo, Randy Barreiro, Martha Diaz, Elizabeth Galarza,
Jose Conway, Susan Wusterbarth, Joseph Pinkston, Yvonne Cedenio,
Marjorie Rhines, Dania Camacho, Blanche Abner, Cathyanne Mathis,
Bibiana Nodarse, Marjorie Quezada-Gomez, Ayleen Vasquez,
Aaron Tijerino, Maria Cruz, Cheryl Livingston, Clara Martinez,
Juan Perez, Richard Ramos, Frances Shaw

POSITIVE ATTITUDE
Rehan Ahmad

COURTESY
Marjorie Roberts

COMMUNITY INVOLVEMENT
Katherine Brophy

COURTESY · TEAM PLAYER
Robert Blanchard

CUSTOMER SERVICE
Colette Griffin-Arnold,
Ruben Suarez,
Marsha Gammel,
Rosa DeArmas,
Perry Moring,
Teresa Pedroso

CUSTOMER SERVICE · TEAM PLAYERS
Doreen Sanabria, Annette Taylor, Larry Castro, Corliss Richardson,
Linda McMillon, Ivi Bouza-Martinez, Dana Edwards, Maria Cazabon,
Nilia Christen, Elena deJongh, Martha Kneiding-Varvajal,
Margarita Lloyd-Godsk, Angel Nigaglioni, Irene Tomassini

ENDNOTES

- ¹ Weighted filing decreased nationally from 224,079 to 223,756. See Administrative Office of the United States Courts. “Table X-1A. U.S. District Courts. Weighted and Unweighted Filings Per Authorized Judgeship During the Twelve Month Period Ended September 30, 2002,” Criminal Tables for the 12-Month Period Ending September 30, 2002. Available at <http://jdc60.jdc.ao.dcn/cgi-bin/Java>.
- ² New private civil filings declined in the District from 5,421 to 5,848, while declining nationally from 220,844 to 203,762. See Administrative Office of the United States Courts. “Table C3. U.S. District Courts. Civil Cases Commenced, By Nature of Suit and District During the Twelve Month Period Ended September 30, 2002,” Civil Tables for the 12-Month Period Ending September 30, 2002. Available at <http://jdc60.jdc.ao.dcn/cgi-bin/Java/SdFiles>.
- ³ Employment cases decreased nationally 18,285 to 17,318. *See Id.*
- ⁴ Social Security case decreased nationally from 18,322 to 17,127. *See Id.*
- ⁵ Administrative Office of the United States Courts. “Table T-1. U.S. District Courts. Civil and Criminal Trials, by District During the Twelve Month Period Ended September 30, 2003,” District Court Trials Tables for the 12-Month Period Ending September 30, 2003. Available at <http://jdc60.jdc.ao.dcn/cgi-bin/Java/SdFiles>.
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ Total trials declined in the District from 336 to 317, while declining nationally from 8,950 to 7,933. *Id.*
- ⁹ Criminal filings in “large courts” decreased, on average, from 7,523 to 7,083, while national totals increased from 54,948 to 58,670. “Table D-1. U.S. District Courts. Criminal Cases Commenced, Terminated, and Pending During the Twelve Month Period Ended September 30, 2002,” Criminal Tables for the 12-Month Period Ending September 30, 2002. Available at <http://jdc60.jdc.ao.dcn/cgi-bin/Java/SdFiles>.
- ¹⁰ Administrative Office of the United States Courts. “Table D-7. U.S. District Courts. Criminal Defendants Disposed of, by Type of Disposition and District During the Twelve Month Period Ended September 30, 2002,” Criminal Tables for the 12-Month Period Ending September 30, 2002. Available at <http://jdc60.jdc.ao.dcn/cgi-bin/Java/SdFiles>.
- ¹¹ National per-judge average was 97.5. *See Id.*